United Nations A/50/PV.125

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Official Records

Fiftieth Session

125th plenary meeting
Tuesday, 10 September 1996, 3 p.m.
New York

President: Mr. Freitas do Amaral . . . . . (Portugal)

The meeting was called to order at 3.25 p.m.

Agenda item 120 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/50/888/Add.10)

The President: In a letter contained in document A/50/888/Add.10, the Secretary-General informs the President of the General Assembly that, since the issuance of his communications dated 28 February, 6 March, 3, 11, 16, 23 and 25 April, 10 May, 29 August and 9 September 1996, Bosnia and Herzegovina has made the necessary payment to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 65 *(continued)*

Comprehensive test-ban treaty

Draft resolution (A/50/L.78)

Letter from the Permanent Representative of Australia to the United Nations (A/50/1027)

The President: We shall now proceed to consider draft resolution A/50/L.78.

Before calling on the first speaker in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

May I also remind delegations that the debate is now closed and that no new substantive proposals or amendments will be entertained.

Mr. Mwakawago (United Republic of Tanzania): Tanzania has all along been a staunch supporter and advocate of a comprehensive test-ban treaty (CTBT). We believed in the CTBT, and indeed we have always considered that it was the only viable first step leading to the total elimination of nuclear weapons. With this belief and in this spirit, my delegation has, over the years, supported and spearheaded the course of nuclear disarmament in various regional and international forums.

Thus, we followed with keen interest the CTBT negotiations in the Conference on Disarmament, which was mandated to

> "negotiate intensively a universal and multilaterally and effectively verifiable comprehensive test-ban treaty, which would contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security." *(A/49/27, p. 8, para. 1)*

96-86171 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

We are afraid this mandate was not followed to the letter, and thus a negative contribution was made to the negotiating process on the treaty.

My delegation will abstain in the voting on this draft resolution due to the treaty's departure from its original mandated objective and the whole manner in which this treaty has hastily been brought before this session.

Rules of procedure have strictly guided the work of all bodies of the United Nations since its inception 50 years ago. The Conference on Disarmament, being the sole multilateral disarmament negotiating body, is a respectable organ which arrives at its decisions by consensus. This is a very important feature of the operations of the Conference on Disarmament. However, according to the report of its Ad Hoc Committee on a Nuclear Test Ban, document CD/1425 of 16 August, no consensus was reached either on the text or the action proposed. Therefore, the Conference on Disarmament was not in a position to present the text of the CTBT to the General Assembly for endorsement.

The subsequent move to submit a draft resolution to the General Assembly, together with the text of the treaty being circulated separately as a national document, does not conform to the cherished norms and the spirit of the Conference on Disarmament. My delegation is deeply concerned with this situation, which, to say the least, may set a bad precedent in the working mechanisms of the Conference on Disarmament. To this end, the confrontational atmosphere prevailing at the moment does not augur well for the Conference's credibility and its prospects in negotiating future disarmament treaties.

Turning to the CTBT text before us, my delegation has serious reservations because it does not live up to our expectations. The international community will not have a comprehensive nuclear-test- ban treaty, as we had originally envisaged. The treaty perpetuates the status quo by allowing the most technologically sophisticated nuclear-weapon States to continue with the vertical proliferation of nuclear arsenals through computer simulation. The treaty makes no positive contribution towards the total elimination of nuclear weapons, but rather continues to legitimize the perpetual existence of nuclear weapons in the hands of the few. And what is more disturbing is the fact that the draft treaty before us neither is comprehensive nor provides for future negotiations.

The nuclear disarmament process in a time-bound framework is another important factor excluded from this text. Without an internationally accepted concrete programme to eliminate nuclear weapons, some non-nuclear-weapon States will always have the urge to become nuclear Powers, while nuclear Powers will continue to compete for the qualitative advancement of their arsenals.

We therefore call upon the members of this Assembly, and especially the members the Conference on Disarmament, to seriously support the proposal by the Group of 21 for a programme of action for the elimination of nuclear weapons, contained in document CD/1419 of 7 August, as the first step towards the elimination of nuclear arsenals. The international community needs a treaty with an explicit and non-discriminatory nature that genuinely encompasses all countries to rid the world of nuclear primacy in the next millennium.

Mr. Mesdoua (Algeria) *(interpretation from French)*: Algeria contributed actively and responsibly to the drafting of the draft comprehensive nuclear test-ban treaty, which, in accordance with the mandate approved by the Conference on Disarmament and reaffirmed by the United Nations General Assembly, was to be universal and verifiable.

My country had already stressed at the Conference on Disarmament that the absence of a consensus text was due to the shortcomings of the text and to the fact that the draft treaty did not satisfactorily take into account the vital aspects of non-proliferation and nuclear disarmament.

Algeria reiterates its commitment to the existing role, mandate and rules of the Conference on Disarmament, the sole organ for multilateral negotiations on disarmament questions.

The Algerian delegation will nonetheless vote in favour of the draft resolution before the General Assembly. It considers the draft treaty to be a first stage towards the opening of substantial negotiations on universal and non-discriminatory nuclear disarmament.

That is the type of disarmament that the international community is fervently calling for. That appeal has been backed up by the International Court of Justice, which in its historic Advisory Opinion of 8 July 1996 recognized that on the part of all States

"There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control."

Ms. Ghose (India): In 1995 India participated in the adoption by consensus of General Assembly resolution 50/65 which, *inter alia*, called on the Conference on Disarmament to conclude a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which would contribute effectively to both nuclear disarmament and non-proliferation in all its aspects, so as to enable its signature at the outset of the fifty-first session of the General Assembly.

The draft resolution proposed for adoption today in document A/50/L.78 quotes only selectively from resolution 50/65 and proposes a text identical to the one on which there was no consensus in the body which had been charged with negotiating it. It has been presented as a national text to bypass the lack of consensus on it in the Conference on Disarmament. In addition, in a divergence from usual practice, the General Assembly is being asked to adopt the text, a function usually that of a conference of States which would wish to become parties to it. But so much that is unusual is happening at this session that one should perhaps not be surprised. The draft resolution also calls on all States to sign the treaty, even after it is known that the text is a non-consensual one.

The comprehensive nuclear-test-ban treaty (CTBT) requested by resolution 50/65 should have been one which would have contributed effectively to nuclear disarmament. During the negotiations we were convinced by the nuclear-weapon States that they had no intention of giving up their nuclear weapons. Weak preambular paragraphs have been included to pay lip service to nuclear disarmament, and stronger paragraphs which had been introduced by the neutral and non-aligned countries during the negotiations were ignored. India is, in any case, not satisfied with mere preambular references. We have seen the fate of such preambles in other treaties.

We had wished, and continue to wish, for a genuine commitment by the nuclear-weapon States to eliminate their nuclear weapons in a reasonable and negotiated finite span of time. Without such a commitment the treaty becomes an unequal one which retains the present discriminatory nuclear regime, sanctioning, in effect, the possession of nuclear weapons by some countries for their security and that of their allies, while ignoring the security concerns of other States.

Secondly, the CTBT envisaged by resolution 50/65 should have been one which would have contributed effectively to nuclear non-proliferation in all its aspects. The text presented for adoption bans only explosive testing. The reason for that is clear. Such a prohibition is today considered acceptable by the nuclear-weapon States, as they have already completed their programmes of explosive testing. They are well placed to exploit the lessons learned through their extensive testing programmes, through more sophisticated and non-explosive technologies. During the negotiations treaty language that would have signified an end to the qualitative development and upgrading of nuclear weapons, thus curbing vertical proliferation, was categorically rejected, and another key element of the mandate was thereby frustrated.

It is also our view, and indeed our concern, that this partial test-ban treaty is not only flawed but dangerous. As the 1963 partial test-ban Treaty, which banned nuclear testing in the atmosphere, resulted in a dramatic increase in the number of underground tests, we feel that this treaty, far from being a ban, will encourage a nuclear weapons technology race, a consequence that a CTBT should have prevented. As this text will not lead to the qualitative capping of the development of nuclear weapons, it cannot be considered an integral and first step in a nuclear disarmament process.

The CTBT requested by the General Assembly should have been one which was multilaterally negotiated and universal, one which would attract adherence by all States by meeting the concerns of all States. Our concerns were ignored. The flawed text which is now proposed for adoption was negotiated in its most critical aspects by a handful of countries and presented to the majority of the international community on a virtually take-it-or-leave-it basis. India could not accept this text in the Conference on Disarmament and cannot agree to it now in the General Assembly.

We also believe that the text fails in the overarching objective set out in the mandate reiterated in General Assembly resolution 50/65: "the enhancement of international peace and security". (*resolution 50/65, third preambular para.*) This is the striving of the entire world community. The text has betrayed this ideal. It has confirmed and perpetuated the existing global insecurity born of a world divided unequally into nuclear haves and have-nots.

General Assembly resolutions are expressions of the will of nations, in which multilateral treaties can find their sanction. General Assembly resolutions by definition cannot support violations of international law. The text circulated by the sponsors contains a provision in its article XIV on entry into force, which is contrary to the fundamental norms of international law. This provision, which makes ratification by India and 43 other countries essential for the entry into force of this treaty, was introduced after — and I emphasize, after — India had clearly stated that it was not in a position to subscribe to the treaty in its present form.

Customary international law lays down that no obligations can be imposed on a country without its specific consent. We had indicated that we would withhold our consent to the treaty text unless our concerns were addressed. We did not want such a provision on entry into force to be included in the text and repeatedly urged the Conference on Disarmament to change this article, so as to enable those countries who wanted the treaty, flawed though it was, to achieve it, if that was indeed their intent, though it would have been without India's signature. We could have prevented the present sad turn of events in which a text which runs contrary to customary international law has been brought for adoption to the General Assembly of the United Nations.

I would like to declare on the floor of this Assembly that India will never sign this unequal treaty — not now, not later. As long as this text contains this article, that treaty will never enter into force.

The draft resolution in document A/50/L.78 is as flawed as the treaty text it proposes for adoption.

For these reasons, and as the draft text falls far short of the mandate which reflected the will of the international community, India will vote against the draft resolution.

Mr. Hallak (Syrian Arab Republic) (*interpretation from Arabic*): Syria appreciates the efforts made by the Ad Hoc Committee on a Nuclear Test Ban and confirms its support for the international efforts to achieve comprehensive nuclear disarmament and the elimination of other weapons of mass destruction.

However, Syria regrets the fact that the nuclear-weapon States have rejected the important proposals submitted by the non-nuclear-weapon States aimed at reaching a balanced draft treaty text that could be adopted by consensus and would be consonant with the relevant General Assembly resolution and the comprehensive nature of the treaty. Syria also expresses its concern that some Member States have submitted this draft, which was not approved by consensus, to the General Assembly in a manner inconsistent with the responsibilities and functions of the Conference on Disarmament, to which the Assembly mandated the negotiation of a consensus text.

A treaty as important and sensitive as the comprehensive test-ban treaty and the obligations falling to all signatories should never have excluded the legitimate concerns of the non-nuclear-weapon States, which constitute the majority of the countries of the world and yet received no guarantees against the use or threat of use of nuclear weapons. The draft treaty makes no provision for these countries' receiving any form of the advanced technologies that are so important to their development. We still recall the events of the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which demonstrated that the nuclear-weapon States have no wish to eliminate their nuclear arsenals.

The important and balanced observations that have been made on the draft text before us all agree on the fact that it neither includes any commitment from the nuclear-weapon States to eliminate their arsenals within a reasonable time-frame nor makes any clear reference to the illegality of the use or threat of use of nuclear weapons. Moreover, it fails to assert that the NPT must be universal if it is to put an end to nuclear proliferation in all its aspects. Many speakers here have agreed that the text before us is limited to banning nuclear explosions but not laboratory simulations, other tests or the qualitative development of nuclear weapons. They also agree that on-site inspection and verification might open the door for the misuse for political purposes of the data arising from national inspection and verification regimes.

The strangest thing about the text is that it gives its signatories the right to use and take measures against those that will not sign, including measures to be taken by the Security Council under Chapter VII of the Charter, in violation of the sovereign right of States to accede or not to any treaty.

The Syrian Arab Republic is seriously concerned by these loopholes, especially the unprecedented inclusion of Israel in the list of countries of the Middle East and South Asia and in view of the explosive situation in the Middle East resulting from Israel's exclusive possession

and qualitative and quantitative development of nuclear weapons. Furthermore, Israel has refused to accede to the NPT and to place its nuclear facilities under the safeguards regime of the International Atomic Energy Agency. This obstructs the efforts being made to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, thus endangering the region and potentially subjecting it to an Israeli nuclear threat.

For all of these reasons, the Syrian Arab Republic cannot support the draft resolution and will abstain in the voting.

Mr. Moubarak (Lebanon) (*interpretation from Arabic*): We consider the work of the Conference on Disarmament in the negotiations to draft this important treaty to be of great significance because it touches on the vital interests of all States, nuclear and non-nuclear alike. Lebanon sincerely hopes that these efforts will succeed in achieving the complete elimination of nuclear and other weapons of mass destruction. We appreciate these efforts while at the same time regretting that the contributions of the non-nuclear-weapon States towards achieving a balanced text were not taken into consideration in the draft before us.

This momentous treaty is as significant as the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water. We therefore believe that it must guarantee the future safety of all Member States and not flout the legitimate concerns of non-nuclear-weapon States. In particular, we refer to the need to reaffirm the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which guarantees against the use or threat of use of nuclear weapons against non-nuclear States and guarantees those States the technology necessary to their development.

The text of the test-ban treaty does not address laboratory simulations and qualitative improvement tests. It also contains unbalanced measures that worry us and sets the precedent of introducing the name of Israel into a regional framework. Moreover, it gives Israel certain advantages, particularly so long as it continues to refuse to accede to the NPT and impedes the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

For all these reasons, the delegation of Lebanon will abstain in the voting on the draft resolution before us.

Mr. Nayeck (Mauritius): Mauritius signed the Treaty on the Non-Proliferation of Nuclear Weapons in April 1969 and wishes to re-emphasize its total commitment to the objectives contained therein, particularly on the issue of total nuclear disarmament and nuclear-weapons non-proliferation. Furthermore, we restated our commitment when, in 1993, we were one of the first countries to sign the Chemical Weapons Convention; most recently, this year we were the first African country to ratify the Treaty of Pelindaba.

Mauritius shares the disappointment of many Member States on the limited progress achieved so far on the issue of nuclear disarmament and the overemphasis placed on non-proliferation. Furthermore, it is noted that, even among the five major nuclear Powers, some have not as yet signed or ratified the Chemical Weapons Convention.

As far as the current negotiations regarding the comprehensive test-ban treaty are concerned, Mauritius understands the Indian apprehension regarding the finality of the treaty and it is our view that reference to the threshold countries in the treaty should have been avoided.

For the reasons enumerated, Mauritius regrets being unable to support the draft resolution and will therefore abstain.

Mr. Abdulai (Ghana): My delegation is speaking today to join the numerous speakers in the Assembly who have expressed their disappointment that the Conference on Disarmament could not place before us the consensus document that was called for by the General Assembly at its forty-ninth session.

We believe that the adoption of the comprehensive test-ban treaty (CTBT) should have been an occasion to lay a solid foundation for nuclear disarmament, reiterating our common desire to see the end of this category of weapons, acknowledged by us all to be evil. The failure of the Conference on Disarmament to adopt the document is a source of great disappointment, though we very much appreciate the reasons for this situation. We regret that the document does not include any commitment by the nuclear-weapon States to the ultimate goal of nuclear disarmament, without which non-proliferation will be meaningless in the long run. It leaves hanging over our heads the horrendous threat that the very existence of nuclear weapons poses to mankind.

It is our conviction that a treaty such as the CTBT should have been carefully drafted freely to attract the support of all, since it can otherwise not stand the test of time, not being universal and, if perceived as an unequal Treaty, perpetuating the present dichotomy between the privileged nuclear haves and have-nots.

For how long, may we ask, can the threshold States continue to abide by this treaty if the nuclear haves remain free further to improve on the quality and destructive capacity of their weapons and continue to display these as enviable sources of power and respectability in international politics?

We have no illusions about the long-term status of the document before us, but appreciate nonetheless the importance of the action we are called upon to take. We note that the entry-into-force provisions of article XIV virtually guarantee indefinite hibernation and are aware that the nuclear-weapon States agreed to it only because the era of nuclear-test explosions is being surpassed by modern technology, which can now permit nuclear-weapons tests without resorting to the explosions we so much abhor. This treaty therefore falls far short of the comprehensive test-ban treaty for which we have called over the years.

We are, however, prepared to join the majority of States in the symbolic act being undertaken, in the hope that this event will create the right atmosphere at the Conference on Disarmament for positive action in favour of eventual nuclear disarmament.

My country is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons and adheres strictly to its provisions. We are also proud signatories of the Treaty of Pelindaba, which seeks to make the African continent a nuclear-weapon-free zone. We therefore regret that the objective of nuclear non-proliferation may not be fully promoted by the CTBT as we have it now, since so much doubt exists, even among the sponsors, and because, the opportunity having been presented, adequate steps were not taken to guarantee its long-term sustainability and operability.

My country is not a member of the Conference on Disarmament, but we wonder what impact the present precedent will have on its work. In spite of declarations here seeking to make the present exercise a one-time act and not a precedent-setting one, we have no guarantees that, in the future, documents facing the same problem in the Conference on Disarmament or, for that matter, in any other negotiating machinery, as did the present document, will not be removed from that organ to this Assembly. We will, however, leave a search for answers to the members of the Conference on Disarmament, who are best qualified to handle the situation.

The future of the treaty, however, lies with the nuclear-weapon States. We look to them, through their acts in favour of eventual nuclear disarmament, to bring all countries to accede to its intent and purpose. We could start with action along the lines of the non-proliferation Treaty:

> "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament ... under strict and effective international control." (*resolution 2373 (XXII), annex, article VI*)

In this regard, we look forward to early action in the Conference on Disarmament on the proposals of its members that are members of the Non-Aligned Movement containing a programme of action for the elimination of nuclear weapons. Serious action on the lines of these proposals will redress the gross inadequacies of the present draft and renew our hopes — the hopes of the international community at large — of achieving a world without nuclear weapons.

It is with this in view that my delegation is among the many that will today cast their vote in favour of draft resolution A/50/L.78.

The President: We have heard the last speaker in explanation of vote before the vote.

I should like to announce that Angola has become a sponsor of draft resolution A/50/L.78.

The Assembly will now take a decision on draft resolution A/50/L.78, entitled "Comprehensive nuclear-test-ban treaty". A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile,

China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Yemen, Zaire, Zimbabwe

Against:

Bhutan, India, Libyan Arab Jamahiriya

Abstaining:

Cuba, Lebanon, Mauritius, Syrian Arab Republic, United Republic of Tanzania

The draft resolution was adopted by 158 votes to 3, with 5 abstentions (resolution 50/245).

[Subsequently, the delegations of Burundi, Lesotho and Zambia advised the Secretariat that they had intended to vote in favour.]

The President: I shall now call on those representatives who wish to make statements in explanation of vote. May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Akram (Pakistan): Pakistan's views on the text of the comprehensive test-ban treaty (CTBT) contained in document A/50/1027 and our interpretations of some of its important provisions are as follows.

Pakistan has consistently supported the objective of a comprehensive nuclear-test ban as an essential step towards nuclear disarmament and as a means of promoting nuclear non-proliferation.

Negotiations on the CTBT, especially during its final stages, have lacked transparency, and the text produced is not entirely the product of multilateral negotiations conducted among all the members of the Conference on Disarmament. In significant areas the text does not take into account positions that are strongly held by a majority of States.

The basic obligations in article I are restricted to prohibiting nuclear test explosions, not all tests related to nuclear weapons. This treaty will not be as comprehensive as envisaged in the negotiating mandate of the Ad Hoc Committee. While Pakistan appreciates that it would at present be difficult to verify compliance with a comprehensive prohibition on all testing of nuclear weapons, this shortcoming should have been overcome by the inclusion of categorical commitments in the treaty that States shall not engage in testing which could lead to the qualitative development of nuclear weapons or production of new types of nuclear weapons. On the contrary, statements have been made that certain kinds of testing will be carried out. Nuclear test sites will be kept operational. The implications of the limitations in the basic obligations of the treaty are clear since the treaty is to be non-discriminatory and universal.

The treaty will fall short of the expectations of the international community as an effective measure for nuclear disarmament. This shortcoming should have been redressed by the inclusion in the text of the treaty of solemn and binding commitments to the achievement of nuclear disarmament and the complete elimination of nuclear weapons within a specific time-frame. Unfortunately, compromise proposals advanced by Pakistan for inclusion in the treaty text or the preamble are not reflected in the proposed treaty.

Like many other delegations, the Pakistan delegation has repeatedly affirmed that the verification of the CTBT must be accomplished primarily by the International Monitoring System and that on-site inspections must be rare and exceptional occurrences. In the context of the

verification of the CTBT, we note that the importance of due process requiring the approval of a significant majority of members of the executive organ of the Organization overseeing the implementation of the treaty has been recognized. This is essential, especially for sensitive procedures for on-site inspections. We take satisfaction from the fact that this represents an important reversal from assertions made earlier that the system of verification of the Chemical Weapons Convention would represent a standard for other multilateral disarmament agreements.

Given the serious implications of a decision to launch an on-site investigation, Pakistan has held that such a decision should be approved by a majority of at least two-thirds of the Executive Council. This is essential to deter frivolous or abusive requests for on-site inspections against targeted countries, especially since they will not be based exclusively on International Monitoring System data but also on data from national technical means. As a compromise, we have accepted that an on-site inspection must be approved by 30 of the 51 members of the Executive Council.

It is accepted that International Monitoring System information will hold primacy in the context of the treaty's verification and that national technical means data will not supersede the International Monitoring System data.

Pakistan has agreed most reluctantly to the use of national technical means for verification of the CTBT since the capabilities of States are entirely unequal in this respect. The use of national technical means must therefore be properly regulated. We note the stipulation that national technical means will be consistent with international law and the sovereignty of States. In the negotiations there was a clear understanding, which is inadequately reflected in the text, that this stipulation excluded any use or acceptance of espionage and human intelligence, which are excluded from the purview of national technical means. We shall reserve the right to take all necessary measures to preserve our national jurisdiction from foreign intrusion, whether technical or physical. Evidence of an attempt to infringe our security interests in this manner would also be regarded as "extraordinary events" under the relevant provisions of the treaty.

In this context, we welcomed the assurances contained in the statement made on 9 August 1996 by the Chairman of the Ad Hoc Committee on a Nuclear Test Ban regarding the potential abuse of national technical means. This statement is contained in the Ad Hoc Committee's report to the Conference on Disarmament, document CD/1425, which was adopted by the Conference on Disarmament on 16 August 1996 and constitutes an essential part of the negotiating record.

In the context of on-site inspections, there was an agreement to include an explicit provision that would clearly recognize the right of States to deny access to facilities and structures that are demonstrably not relevant to the basic obligations of the CTBT. This agreement should have been reflected more explicitly in the treaty text. However, we note with satisfaction that the treaty includes provisions which recognize, first, the right of an inspected State Party to take the measures which it deems necessary to protect its national security interests; secondly, the right to limit access for the sole purpose of determining facts relevant to the purposes of the inspection, taking into account the inspected State Party's right to protect national security interests; thirdly, the right, in the context of buildings and other structures, to impose prohibition on access with reasonable justification; and, fourthly and most importantly, the right to take the final decision regarding any access.

A list of countries is annexed to the treaty text, giving the regional distribution of States in the context of membership of the Executive Council. Such a list was unnecessary. We note the statement made by the Chairman of the Ad Hoc Committee that this list is CTBT-specific. Therefore it will not prejudice our position on regional membership in other international bodies. The actual composition of participants in regional groups in the context of matters relating to the CTBT will depend on the actual composition of the membership of the treaty. Regional groups will obviously be constituted by the States Parties to the Treaty.

We attach the highest importance to the provisions on entry into force, which provide that the treaty will enter into force once it has been signed and ratified by 44 States, including all the nuclear-capable States. The CTBT's effectiveness depends on its acceptance by all the States that have the technological capability and the legal latitude to conduct nuclear tests. Paragraph 2 of article XIV envisages consideration of measures to accelerate the entry into force of the treaty in case it has not entered into force three years after it has been opened for signature. It is clear, however, that these measures will have to be consistent with the provisions of paragraph 1 of article XIV, which cannot be circumvented by any means.

In the context of some statements that have been made here this afternoon, I would only like to add a proverb of uncertain origin: never say never.

Pakistan will take its own sovereign decisions regarding the time and conditions for its signature and ratification of the treaty. Our concerns regarding the current security environment in our region were stated in the Assembly yesterday.

The signature and ratification by a State of this treaty cannot constitute a legal commitment to its basic obligations until the treaty has entered into force.

In the context of article IX, I wish to make it clear that the conduct of a nuclear explosion by a third State would impact on our supreme national interests and constitute sufficient grounds for withdrawal from the treaty and from any obligations relating thereto.

Despite its shortcomings, the treaty contained in document A/50/1027 will constrain further development of nuclear weapons and thus contribute to the goal of nuclear disarmament and non-proliferation. Therefore, Pakistan voted in favour of draft resolution A/50/L.78, adopting the text of the comprehensive test-ban treaty.

Mr. Pham Quang Vinh (Viet Nam): Viet Nam voted in favour of the draft resolution contained in document A/50/L.78, by which the General Assembly has adopted a comprehensive nuclear-test-ban treaty (CTBT) and thus opened it for signature.

Viet Nam has consistently supported the comprehensive elimination of nuclear weapons and all positive measures towards that end. It has therefore been committed to the common objective of the early completion of the CTBT and its effective implementation.

Viet Nam's affirmative vote today reflects the long-standing, principled position of the Government of Viet Nam, together with its hope that the CTBT just adopted would constitute an important step against the proliferation of nuclear weapons and towards nuclear disarmament, despite the fact that there is yet room for its further improvement.

As it noted last August in Geneva during the Conference on Disarmament meeting on this issue, Viet Nam had hoped that the questions of ultimate comprehensive nuclear disarmament and of financial contributions, especially by non-nuclear-weapon States, would have been addressed more adequately.

As a developing country which has always been a non-nuclear-weapon State, Viet Nam believes that the nuclear-weapon countries should bear most of the costs of the implementation of the CTBT.

Viet Nam also regrets that the Conference on Disarmament was not been able to achieve the necessary consensus to adopt the text of the CTBT and transmit it to the General Assembly for endorsement.

Finally, having voted in favour of the adoption of the CTBT, Viet Nam recognizes that the current text does provide a number of important measures that, if implemented in good faith, would greatly enhance international cooperation for peace and nuclear disarmament. However, the adoption of the CTBT by the General Assembly without the consensus of the Conference on Disarmament should not in any way constitute a precedent for the future work of the Conference on Disarmament. The Conference on Disarmament is an important multilateral mechanism for negotiating disarmament treaties. Its role and prestige must be upheld.

Mr. Nasseri (Islamic Republic of Iran): Our positions on the comprehensive nuclear-test-ban treaty (CTBT) were included in the report of the Ad Hoc Committee on a Nuclear Test Ban of the Conference on Disarmament and have been expressed here during this morning's debate.

In explanation of the vote, therefore, I shall briefly recall that the premature halting of negotiations at the Conference on Disarmament led to a situation where the chances for consensus were all but lost. The procedure to use further short cuts in the negotiations and to rush the draft to this resumed session of the General Assembly was also unwarranted. This harmed the CTBT.

The draft did not meet the objective of comprehensively banning nuclear tests and thus left open the horrifying possibility of vertical proliferation and of a nuclear-arms race at another level. It also fell far short in the manner it referred to nuclear disarmament. It therefore does not meet the requirements of its mandate. We see no way for the CTBT to be meaningful, however, unless it is considered as a step towards a phased programme for nuclear disarmament within specific time-frames.

Based on the deliberations that took place on the issue of national technical means, we interpret the text as according only a complementary role to them and reiterate that they should be phased out with the further development of the International Monitoring System.

With regard to the composition of the Executive Council, the inclusion of Israel in the Middle East and South Asia grouping is objectionable. We express our strong reservation on this matter.

As stated before, we decided to support draft resolution A/50/L.78 only because, due to the irregular procedures adopted towards the end of negotiations, the sole option left was to choose a flawed treaty or abandon the treaty altogether. We expect, however, that efforts will be redoubled to find ways to rectify the existing shortcomings and flaws of the treaty within the means provided for in the CTBT, in the Conference on Disarmament and elsewhere.

Mr. Sha Zukang (China) (*interpretation from Chinese*): The Chinese delegation voted in favour of draft resolution A/50/L.78 on the comprehensive nuclear-test-ban treaty (CTBT). The CTBT text contained in document A/50/1027 referred to in the resolution represents the result of two and a half years of negotiations in the Conference on Disarmament and by and large reflects the realistic state of negotiations. It is therefore balanced in general.

However, the Chinese delegation is obliged to point out that the text of this treaty is not entirely satisfactory, as it fails to reflect fully the justifiable requests and reasonable positions of many developing countries, including those of China. In this respect, the Chinese delegation has to express its concerns.

First, the text of the treaty contains no reference to the conclusion of international legal instruments on non-first-use of nuclear weapons and non-threat-of-use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. Nor does it touch upon the conclusion of a convention on the comprehensive prohibition of nuclear weapons.

China has always held that, just like a comprehensive nuclear test ban, non-first-use of nuclear weapons and non-use or threat-of-use of nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones constitute important steps towards the ultimate complete prohibition and the thorough destruction of nuclear weapons. The preamble of the treaty therefore should have fully reflected the common aspiration of the international community by indicating that it would continue to strive for the realization of those objectives following the conclusion of the CTBT.

Secondly, on the triggering basis of on-site inspections, the text treats the International Monitoring System and national technical means of verification as equals, without making the necessary distinctions between the two. Since sophisticated national technical means are possessed by only a few technically advanced countries, and the use of these means is fraught with subjectivity and discrimination, there exists the possibility of abuse or misuse of on-site inspections by certain countries. The Chinese delegation is seriously concerned over this and wishes to reiterate that the relevant provisions in the treaty text do not prejudice China's consistent position on national technical means.

Thirdly, on the decision-making procedure for on-site inspections, the relevant provisions in the text are less than fully reasonable. On-site inspections, being the last resort of the CTBT verification regime used under exceptional circumstances and possibly being politically confrontational and highly sensitive, constitute the most important substantive issue in the treaty and therefore should be approved by at least a two-thirds majority of all members of the Executive Council. The Chinese delegation accepted the option of approving on-site inspection requests by at least 30 affirmative votes out of 51 members of the Executive Council solely for the purpose of facilitating an early conclusion of the treaty, which calls for flexibility and compromise, and cannot be construed as changing its position on the decision-making procedure for on-site inspections under the CTBT.

Fourthly, on the criteria for the membership of the Executive Council, the text treats financial contributions to the treaty organization as one of the criteria, setting a bad precedent for multilateral treaty organizations. The Chinese delegation remains critical of this.

Fifthly, the text arbitrarily incorporates noble-gas monitoring into the International Monitoring System and even sets the scale of such monitoring means, despite the lack of sufficient technical assessment and a technical consensus. The Chinese delegation is deeply unsatisfied with this.

In addition, the Chinese delegation regrets that the Conference on Disarmament was not able to adopt the CTBT text by consensus and transmit it to the General

Assembly. As the only forum for multilateral disarmament and arms-control negotiations, the Conference on Disarmament consists of various political groups and represents various security interests. The current rule of consensus of the Conference on Disarmament is not merely a procedural arrangement; it is an important guarantee that no security interests of any group or State will be jeopardized. Therefore, adherence to this rule is indispensable.

The Chinese delegation would like to take this opportunity to solemnly state that the current practice of "bypassing" the Conference on Disarmament and directly transmitting the CTBT text, which had not been adopted by consensus by the Conference on Disarmament, to the General Assembly for endorsement shall not constitute any precedent for the work of the Conference. Only by adhering to the rule of consensus in its proceedings can the Conference on Disarmament continue to contribute to the preservation of international peace and security and to the advancement of the multilateral disarmament and arms-control process.

The Chinese delegation requests that this statement be placed on record.

Mr. Bakhit (Sudan) (*interpretation from Arabic*): Sudan voted in favour of the resolution by which the General Assembly adopted the comprehensive nuclear-test-ban treaty (CTBT), in particular because Sudan is convinced of the need to adopt internationally effective measures to ensure nuclear disarmament and to put an end to the proliferation of nuclear weapons. Sudan emphasizes the need to undertake sustained efforts to reduce arsenals of nuclear weapons throughout the world, with the goal of eliminating those weapons and of general and complete disarmament.

Having voted in favour of this resolution, Sudan would like to make a few comments regarding the treaty.

The treaty did not use strong enough language regarding the complete elimination of all nuclear weapons, nor did it lay down a precise time-table for this purpose. There are no provisions regarding States' abstaining from engaging in any activities involving their respective nuclear capacities.

Sudan would also like to express its keen regret that the treaty was not adopted by consensus but by vote.

Sudan hopes that the hasty transmission of the treaty by the Conference on Disarmament to the General Assembly will not set a precedent. This treaty should have been adopted by consensus in order to achieve its primary objective: the maintenance of international peace and security and the elimination of weapons of mass destruction.

Mr. Muntasser (Libyan Arab Jamahiriya) (*interpretation from Arabic*): The Libyan Arab Jamahiriya has always and in all international forums called for the complete elimination of weapons of mass destruction because of their highly destructive power and their effects, which cannot be limited to any place or time.

My country believes that the text presented to us falls short of the aspiration of peoples to the complete and comprehensive elimination of all nuclear weapons and tests, because it does not include a time-frame for the destruction of the nuclear arsenals possessed by the few. The formula proposed consecrates and perpetuates the status quo, and it also pre-empts the progress of peoples towards a world free of any nuclear threat.

The Libyan Arab Jamahiriya supports the effective ban on all nuclear tests and does not accept half-solutions, because this matter relates to the survival of humankind.

The President: We have heard the last speaker in explanation of vote after the vote.

Mrs. Albright (United States of America): Today's adoption by the General Assembly of a comprehensive nuclear-test-ban treaty (CTBT) is a milestone in our transition from the cold-war era to a new and safer time. Today nations of every size and outlook from every continent, reflecting every culture and background, joined in support of a total ban on nuclear-test explosions and other nuclear explosions of any size, in any place, at any time.

This was a treaty sought by ordinary people everywhere, and today the power of that universal wish could not be denied.

The effect of this treaty will be greater security for all our citizens, a healthier environment — especially in those regions where further tests might have been conducted — and a giant step closer to ending a nuclear arms race that has endangered human survival for most of the past half-century.

Trillions of dollars have been spent in recent decades developing ever more destructive nuclear weapons and delivery systems. Even so, the destructive potential of the atom has not been fully exploited or explored. Unless constrained by international agreement, the possibility of new and even more dangerous weapons will remain. Under the CTBT, however, the so-called vertical proliferation of nuclear armaments should end, and this generation of nuclear weapons will be the last.

An end to nuclear-test explosions will create a climate of confidence that will sustain today's trend towards smaller nuclear arsenals. It will also substantially reduce the risk that the number of countries possessing nuclear weapons will grow.

Overall, the CTBT reduces the danger of nuclear war and moves us towards the day when nuclear weapons will be nothing but a memory.

Approval of this treaty marks the fulfilment of a dream that began virtually with the dawn of the nuclear era. The realization of that dream has not come easy. It has been more than three decades since we took the first major step by banning tests in the atmosphere, in outer space and under water. And the text approved by the General Assembly today reflects years of arduous negotiation.

In contemplating the result, I am reminded of Benjamin Franklin's comment concerning the drafting of the United States Constitution:

> "When you assemble a number of [people] to have the advantage of their joint wisdom, you inevitably assemble with them all their passions, [opinions] ... local interests and ... views.
>
> "From such an assembly, can a perfect production be expected? It therefore astonishes me to find this system approaching so near to perfection as it does ... Thus I consent to this Constitution because I expect no better and because I am not sure it is not the best."

The text of the agreement approved today is not perfect in the view of my country or, probably, in that of any country; but it reflects a negotiating process that was fair and that does honour to the Conference on Disarmament in which it was conducted.

The broadly supported decision to place the treaty before the General Assembly in no way detracts from the Conference on Disarmament or its procedures. Rather, it reflects the conviction of nuclear and non-nuclear Powers alike that the time to approve a CTBT has come and that the hopes of people from around the world should at last be realized.

The United States congratulates and thanks the Government of Australia for sponsoring the treaty resolution approved today. Here in New York I particularly want to express my gratitude to Ambassador Richard Butler. We thank the four other nuclear-weapon States for giving this treaty their unanimous support. We are proud to be among the more than 120 countries that chose to sponsor the resolution, and we are delighted that the final vote was so overwhelming and broad-based.

After signature, the decision to ratify or not ratify will go to Member States, for action in each according to the sovereign procedures of each. We are confident that every country will choose — we hope sooner, rather than later — to join the global consensus in support of this treaty. There could be no greater gift to the future, and no better start to a new century, than a world in which this treaty is law from pole to pole, in every land, for all time.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 65?

It was so decided.

The meeting rose at 4.35 p.m.